

### **REMARKS**

This is an After Final Amendment under the provisions of 37 C.F.R. § 1.116 for the Final Action of August 2, 2007. A petition to extend the time for this response accompanies this paper.

Entry of this amendment is respectfully requested in that this paper responds for the first time to a new ground of rejection made in the Final Action (as asserted by the examiner) and prima facie places this case in condition for allowance with its amendments to independent claims 1 and 8.

The amendments to the independent claims 1 and 8 clarify features of the Applicant's invention relating to a function of the control unit in judging whether or not the alignment deviation amount is outside a predetermined possible range of the alignment by the recited second moving unit in the up/down movement, among other features, as seen in the amendment to claim 1. In claim 8, the predetermined range is clarified as a range within which positioning of the eye and the examiner unite can be performed without adjusting the chin rest.

The Applicant understands that Isogai et al. disclose the movements of the X, Y, and Z directions to accommodate the examinee, regarding the size of the face and the position of the eye. Therefore, the apparatus would need to be adjusted for examination purposes and the comfort of the patient, which is indicated by the Examiner in the Response to Arguments.

In any ophthalmic apparatus, an examination unit has movement limits in X, Y, and Z directions. The range of the movement limits can be expanded by elongating the stroke of the movement of the examination unit; however, expanding the range produces a problem of causing an increase in size to the apparatus. For this reason, a conventional ophthalmic apparatus is arranged to reduce the movement range of the examination unit required for alignment by adjusting a chin rest before an examination, in order to prevent the apparatus from unnecessarily increasing in size.

Also in an apparatus according to Isogai et al., the chin rest is manually adjusted (column 3, lines 18 to 26). Such a mechanism as to adjust the chin rest before an examination would not be required, if the apparatus according to Isogai et al. could perfectly perform alignment of an examination unit with an examinee's eye regardless of the position of the eye. However, in such a case, Isogai et al. cannot be a prior art of the present invention in terms of no chin rest adjustment

required. However, the apparatus according to Isogai et al. does have a mechanism to manually adjust the chin rest, and thus has the problems described in the Specification of the present application. Isogai et al. neither teach nor suggest such problems.

Reference may be made to the Description of the Related Art at pages 1 and 2 of the specification as filed for a discussion of problems with the related art devices.

The present invention as claimed discloses an ophthalmic apparatus which requires adjustment of a chin rest according to an examinee before an examination, the apparatus allowing the height of an examinee's eye to be positioned within a possible range of alignment of the examination unit in up/down movement even if the chin rest is not appropriately adjusted when the alignment of the examination unit with the eye is performed so as to have a predetermined positional relationship, whereby time and trouble of examiner's (operator's) redoing adjustment of the positioning of the eye are saved, and smooth measurement can be achieved to the last.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee other than the extension fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. WEN-0027 from which the undersigned is authorized to draw.

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Respectfully submitted,

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